

## **REMARKS**

Claims 1-53 are pending in the application. By the above amendment, claims 1-4, 6 and 10 have been amended, claims 34-53 have been canceled without prejudice, and new claims 54 and 57 have been added. No new matter has been introduced by virtue of the claim amendments.

### **Elections/Restrictions**

In view of the finality of the restriction requirement, Applicants have canceled the withdrawn claims 34-53 without prejudice. However, Applicants respectfully traverse the restriction requirement at least to the extent that the Examiner contends that claim 1 is not generic to withdrawn claims 11-32, all of which depend directly or indirectly from claim 1. Indeed, Applicants respectfully contend that claim 1 as originally filed, and as currently amended, is in fact generic to all purported species within the set of claims 11-32.

In this regard, if claim 1 is eventually allowed in its present form, or if subsequently amended but yet remains generic, Applicants respectfully request that the Examiner consider all pending, withdrawn dependent claims 11-33 under 37 CFR 1.141 and maintain such claims in the current application. To effect this, Applicants have proceeded to amend withdrawn claims to be consistent with the amendments to pending claim 1, so that claims 11-33 will be in proper form for allowance upon allowance of a generic claim 1.

### **Claim Rejections - 35 U.S.C. §102**


Claims 1-10 are rejected as being anticipated by U.S. Patent No. 6,468,855 to Leung. Applicants respectfully disagree with the rejections in that Leung does not disclose a "gated diode" within the scope of the claimed inventions as would be interpreted based on the teachings of Applicants specification. In any event, Applicants have amended claim 1 to further clarify the claimed subject matter over the cited art of record.

Applicants contend that Leung does not disclose or suggest, for example, *a gated diode having a first terminal in signal communication with the at least one transistor and a second*

*terminal in signal communication with a wordline*, as recited in claim 1. Indeed, even assuming, arguendo, that the transistor (302) in FIG. 3A of Leung can be fairly characterized/interpreted as a “gated diode” within the scope of the claimed inventions, the transistor (302) has source and drain terminals SD commonly connected to the access transistor (304) and a gate terminal connected to a voltage source Vbb1. In other words, no terminal of the transistor (302) is connected to the wordline (303), for example, or any other R/W control line.

Accordingly, claim 1 is patentably distinct and patentable over Leung. Moreover, without elaborating as to the impropriety of the remaining anticipation rejections, it is suffice to say that claims 2-10, which depend from claim 1, are patentably distinct and patentable over Leung for at least the same reasons given for claim 1. Moreover, withdrawn claims 11-33 are patentably distinct and patentable over Leung at least by virtue of their dependence from generic, base claim 1. New claims 54 and 55 are not anticipated by Leung. Support for the subject matter of claims 54~57 is found, for example, in Figures 1A Figure 1B and corresponding text. Leung does not teach or suggest a gated diode in a memory cell, the gated diode is a two terminal active device having first and second terminals, wherein the gated diode has a first capacitance when a voltage on the first terminal relative to the second terminal is in a first voltage range, and which has a second capacitance when the voltage on the first terminal relative to the second terminal is in a second voltage range, wherein said first and second voltage ranges are defined by a threshold voltage of the gated diode. Accordingly, withdrawal of the anticipation rejection is requested.

Respectfully submitted,

  
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